

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Stephen D. Pacetti	Examiner:	Phu Hoang Nguyen
Serial No.	10/725,698	Art Unit:	1791
Filed:	December 1, 2003	Confirmation No:	3424
Title:	Temperature Controlled Crimping		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This is a response to the Restriction Requirement dated August 5, 2008.

The Examiner has identified three separate and distinct inventions within the claims of the above-identified patent application, namely:

- Group I.** Claims 1-56, drawn to a method of making a medical device;
- Group II.** Claims 57-74, drawn to a method of crimping a stent onto a delivery catheter; and
- Group III.** Claim 75, drawn to a device for crimping stents onto delivery catheters.

Applicant's election

Applicant elects Group I, Claims 1-56.

Moreover, the Examiner has asked the Applicant to elect one species with each of 6 listed groups of species. Applicant elects the following Species:

Species 1: Adjusting temperature during a crimping step;

Species 2: Tg of the polymer species is below ambient temperature;

Species 3: Target temperature is below ambient temperature;

Species 4: poly(vinylidene fluoride-co-hexafluoropropylene);

Species 5: Balloon expandable stents; and

Species 6: antiproliferatives.

Applicant believes Claims 1-56 read upon the elected species.

The election is made with traverse. In the division between Group I and Group II, on page 2 of the Office Action, the Examiner noted, "the inventions as claimed can have a different mode of operation since Invention II has the steps of positioning the stent on the catheter and crimping the stent on the catheter that are not part of claimed Invention I". Applicant submits that this is in error. Claim 3, which is dependent from Claim 1, requires crimping of the medical device, such as a stent (Claim 9), to a catheter. Accordingly, the Examiner's basis for division of Groups I and II is in error.

Applicant reserves his rights to filing a divisional application for Groups II and III, and the non-elected species.


The undersigned authorizes any fees which may be required, or credit of any overpayment to be made to Deposit Account No. **07-1850**.

Should the Examiner have any questions regarding this communication, the Examiner is invited to contact the undersigned at the telephone number shown below.

Date: August 27, 2008

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